

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

T. Scott Beck, Commissioner

SCWCC File No. 1206236

Appellate Case No. 2019-001936

RECEIVED

Jan 25 2021

SC Court of Appeals

Jennie Cox, Employee, Appellant

v.

Palmetto State Transportation, Employer, and Cherokee Insurance Company, Carrier,
Respondents

**RESPONDENTS' REPLY TO APPELLANT'S MOTION TO EXTEND PRIOR ORDER
HOLDING APPEAL IN ABEYANCE OR, IN THE ALTERNATIVE, FOR EXTENSION
OF TIME TO FILE APPELLANT'S INITIAL BRIEF AND DESIGNATION OF
MATTER**

George D. Gallagher
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Respondents in the above-referenced action hereby oppose Appellant's most recent Motion to Extend their time for filing her Initial Brief and Designation of Matter to be included in the Record on Appeal. Such opposition is based on the following grounds reflected in the Court's files and records:

- 1) Appellant's Notice of Appeal from the Worker's Compensation Commission's Order was initially filed on November 18, 2019.
- 2) Thereafter, following multiple extensions of time for filing her initial filings, which Respondents did not oppose, Appellant filed a Motion to Hold her appeal in abeyance for sixty (60) days pending settlement discussions on July 29, 2020. By Order dated July 29, 2020 the Court granted the Motion.
- 3) By letter to the parties dated October 12, 2020, the Clerk of Court advised that the appeal would no longer be held in abeyance and instructed Appellant to file her initial brief and designation of matter within twenty (20) days.
- 4) On November 2, 2020 Appellant then filed a Motion to Extend the Court's Order holding the appeal in abeyance, or in the alternative, for another extension to make her initial filings.
- 5) By Order dated November 23, 2020 the Court granted a thirty (30) day extension for Appellant to file her initial brief and designation of matter. The Order specifically stated that no further extensions would be granted absent extraordinary circumstances.
- 6) Appellant failed to make her filings on or before December 23, 2020. Respondents' counsel advised the Court accordingly via email on January 13, 2021.
- 7) On January 15, 2021 Appellant filed the currently pending Motion to Extend time for making her initial filings, adding that a calendaring error resulted in the missed deadline

on December 23, 2020 that was only discovered after receipt of Respondents' email.

Appellant's Motion does not indicate on what date she erroneously believed her filings should have been made per the Court's November 23, 2020 Order and/or why such filings still had not been made prior to the filing of the instant Motion.

- 8) SCACR 260 states, in pertinent part, "whenever it appears that an appellant or petitioner has failed to comply with the requirements of these Rules, the Clerk ***shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.***"
- 9) Respondents have never previously opposed Appellant's requests for extensions to make her initial appellate filings but now believe it is time to bring some finality to this matter. As such, Respondents respectfully request that the Appeal be dismissed in accordance with SCACR 260.

Respectfully submitted,



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January 25, 2021
Columbia, SC

PROOF OF SERVICE

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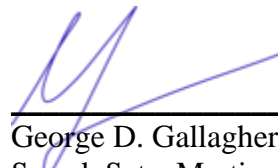
v.

Palmetto State Transportation, Employer, and Cherokee Insurance Company,
Carrier, Respondents

PROOF OF SERVICE

I certify that I have served the Respondents' Reply to Appellant's Motion to Extend prior Order Holding Appeal in Abeyance or, in the Alternative, for Extension of Time to File Appellant's Initial Brief and Designation of Matter on Jennie Cox by depositing a copy of it in the United States Mail, postage prepaid, **on January 25, 2021**, addressed to her attorney, Adrienne LaVonne Turner, Turner Law, LLC, P.O. Box 210638, Columbia, SC 29221, and via electronic mail at aturner@turnerlawsc.com.

January 25, 2021



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Attorney for Respondents

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January 25, 2021

VIA EMAIL: CTAPPFILINGS@SCCOURTS.ORG

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Jennie Cox v. Palmetto State Transportation*
Appellate Case No.: 2019-001936
Claim No.: WC34192
DOA: 5/31/12
Our File No.: 1800-0061

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GEORGE D. GALLAGHER (SC), of counsel

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Dear Ms. Kitchings:

Please find enclosed the Respondents' Reply to Appellant's Motion to Extend Prior Order Holding Appeal in Abeyance or, in the Alternative, for Extension of Time to File Appellant's Initial Brief and Designation of Matter in the above-referenced matter.

By copy of this letter to Adrienne Turner, attorney for Appellant, I am serving her a copy of this Motion.

Sincerely,



George D. Gallagher

GDG/kgf
Enclosures

cc: Adrienne Turner, Esquire (w/encl)
Marjan Palushaj (w/encl)